

Message Text

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ACTION EB-11

INFO OCT-01 EA-11 ADP-00 CAB-09 CIAE-00 COME-00 DODE-00

INR-10 NSAE-00 RSC-01 FAA-00 SS-15 NSC-10 L-03 CU-04

RSR-01 /076 W

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R 210700Z AUG 73

FM AMEMBASSY TOKYO

TO SECSTATE WASHDC 6140

INFO USLO PEKING

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E.O. 11652: N/A

TAGS: ETRN, JA

SUBJECT: CIVAIR - PAN AMERICAN CHARTER FLIGHTS TO PEKING
(PHILADELPHIA ORCHESTRA)

REF: STATE 158764

SUMMARY. JCAB PREPARED APPROVE PAN AM CHARTERS PROVIDED
THEY JUSTIFIED AS QTE OFFICIAL UNQTE FLIGHTS. SUGGESTED
PROCEDURE INVOLVES SUBMISSION BY EMBASSY OF NOTE VERBALE.
ACTION REQUESTED: CONCURRENCE IN PROCEDURE OUTLINED PARA
3 BELOW.

1. JCAB HAS ADVISED EMBASSY INFORMALLY THAT IT IS JCAB
POLICY NOT TO APPROVE COMMERCIAL FLIGHTS TO CHINA THROUGH
JAPAN, EITHER ON SCHEDULED OR CHARTER BASIS. THEREFORE,
IN CONNECTION WITH PAN AM/PHILADELPHIA ORCHESTRA CHARTERS
JCAB SUGGESTED THAT EMBASSY SUBMIT A NOTE VERBALE THROUGH
FONOFF INDICATING THAT FLIGHTS WILL BE OPERATED UNDER USG
AUSPICES AND REQUESTING APPROVAL OF FLIGHTS UNDER PRO-
VISIONS OF ARTICLE 126(2) OF JAPAN CIVIL AERONAUTICS
LAW. (ART 126(2) RELATES TO FLIGHTS BY FOREIGN AIRCRAFT
USED BY A FOREIGN STATE OR PUBLIC ENTITY OF A FOREIGN
STATE. INFORMATION REQUIRED IN APPLICATION FOR PERMISSION
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TO OPERATE SUCH FLIGHTS IS CONTAINED IN ARTICLE 230 OF

CIVIL AERONAUTICS REGULATIONS. SUCH INFO AVAILABLE
TO EMBASSY FROM PAN AM/TOKYO.)

2. ACCORDING TO PAN AM/TOKYO, PAN AM CONSIDERS THAT
PASSENGER CHARTER (ORIGINATING IN PHILADELPHIA) IS
COVERED BY US-JAPAN BILATERAL AVIATION AGREEMENT AND
SHOULD ONLY REQUIRE USUAL NOTIFICATION TO JCAB. HOW-
EVER, PAN AM IS NOT CERTAIN THAT CHARTER PORTION OF
CARGO FLIGHT IS COVERED BY BILATERAL SINCE TECHNICALLY
IT WILL BE QTE END-ON UNQTE CHARTER ORIGINATING IN
TOKYO AFTER INSTRUMENTS ARRIVE HERE ON REGULAR COMMER-
CIAL FLIGHT. IN VIEW JCAB'S POSITION ON CHARTER
APPROVAL, PAN AM/TOKYO INCLINED TO BELIEVE BEST PRO-
CEDURE WOULD BE FOR EMBASSY TO APPLY FOR PERMISSION ON
BEHALF OF PAN AM TO OPERATE ENTIRE PASSENGER FLIGHT AND
TOKYO-PEKING PORTION OF CARGO FLIGHT AS QTE OFFICIAL
UNQTE CHARTERS.

3. EMBASSY RECOMMENDS THAT IT TRANSMIT NOTE VERBALE TO
FONOFF INDICATING THAT PEKING VISIT OF PHILADELPHIA
ORCHESTRA IS RESULT OF GOVERNMENT-TO-GOVERNMENT DISCUSSIONS
AND IS CULTURAL EXCHANGE ACTIVITY CONDUCTED UNDER
OFFICIAL USG AUSPICES. IN THIS CONNECTION, IT WOULD BE
HELPFUL TO KNOW THE FINANCIAL ARRANGEMENTS REGARDING
CHARTER.
SHOESMITH

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